

NATIONAL RECOVERY ADMINISTRATION

PROPOSED CODE OF FAIR COMPETITION

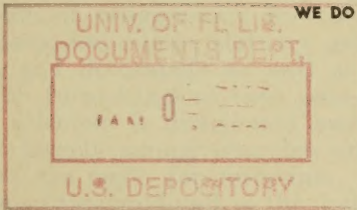
FOR THE

ECCLESIASTICAL STATUARY AND
CHURCH FURNISHINGS INDUSTRY

AS SUBMITTED ON AUGUST 23, 1933

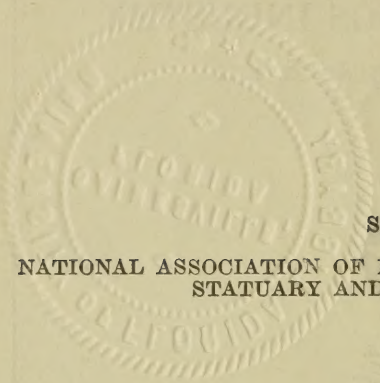


WE DO OUR PART



The Code for the
Ecclesiastical Statuary and Church Furnishings Industry
in its present form merely reflects the proposal of the above-mentioned
industry, and *none of the provisions contained therein are
to be regarded as having received the approval of
the National Recovery Administration
as applying to this industry*

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1933



SUBMITTED BY

NATIONAL ASSOCIATION OF MANUFACTURERS OF ECCLESIASTICAL
STATUARY AND CHURCH FURNISHINGS

(II)

UNITED STATES
DEPARTMENT OF COMMERCE
WASHINGTON, D.C.

CODE OF NATIONAL ASSOCIATION OF MANUFACTURERS OF ECCLESIASTICAL STATUARY AND CHURCH FURNISHINGS

IN RESPONSE TO THE NATIONAL PROCLAMATION OF THE PRESIDENT OF THE UNITED STATES, CALLING UPON ALL INDUSTRIES TO FORMULATE CODES OF BUSINESS CONDUCT UNDER THE TERMS OF THE NATIONAL INDUSTRIAL RECOVERY ACT

We, the undersigned, members of the industry known as *Manufacturers of Ecclesiastical Statuary and Church Furnishings* declare that we will adhere to the following conditions and regulations for the operation of our respective businesses.

We hereby mutually agree to be bound by the terms of this covenant during the period in which the National Industrial Recovery Act shall remain in force and it is our intent that each and every stipulated trade practice approved herein shall be considered mandatory upon the signatories hereunto.

SCOPE OF INDUSTRY

The industry herein described as "Manufacturers of Ecclesiastical Statuary and Church Furnishings" control about 95% of the production of religious art for church and home decoration, such as statuary, bas-reliefs, statuary groups and ornamentation, modelled, cast, and decorated; as well as the creation of altars and other church furnishings of both semi-artistic and highly artistic nature. Our clientele is distributed among both homes and churches but most largely among churches and religious institutions, and shipments are made for intrastate, interstate, and export trade. The commodities produced in this industry are sold by us both at wholesale and retail, stock items being listed in regularly published catalogs showing retail prices, while products designed and made to order according to special designs are quoted at specially estimated prices based upon cost of manufacture.

A HIGHLY SPECIALIZED BUSINESS

The manufacture of ecclesiastical statuary and church furnishings is a highly specialized line of business which requires a rather intimate knowledge of the rules, ritual, and articles of faith professed by different religious sects who frequently rely solely on the reputation and judgment of members of the industry for the authenticity and correctness of furnishings recommended and installed. Trained men are essential to successful business practice as contracts are frequently obtainable only by promotional methods based on knowledge of religious traditions and religious psychology. Ex-

tensive changes and improvements in religious structures such as are catered to by this industry invariably involve the application of creative talent and specialized salesmanship. Not only administrative and selling forces but its industrial workers as well must be trained to understand their particular tasks and cannot readily be hired already proficient in an open labor market.

TRADE PRACTICES

Owing to the fact that a wide difference in quality of workmanship frequently exists between the works of our various concerns, depending on the degree of skill of workmen and artists employed in this industry, there are no set standards or well defined retail price levels now in vogue, except as maintained by individual manufacturers in catering to their particular trade.

LABOR

Labor scales are necessarily dependent upon the skill and talent of the workmen or artists employed. The majority of labor engaged may be termed unskilled and skilled, operating under the supervision of master artists, the latter commanding an indeterminate maximum wage which is affected primarily by individual reputation and artistic ability.

ARTICLE I—PURPOSE

This code is set up for the purpose of increasing employment, establishing fair and adequate wages, effecting necessary reduction of hours, improving standards of labor, and eliminating unfair trade practices (etc.), to the end of rehabilitating the Ecclesiastical Statuary and Church Furnishing Industry and enabling it to do its part toward establishing that balance of industries which is necessary to the restoration and maintenance of the highest practical degree of public welfare.

It is the declared purpose of the Ecclesiastical Statuary and Church Furnishing Industry and adherents to this Code to bring, insofar as may be practicable, the rates of wages paid within the Ecclesiastical Statuary and Church Furnishing Industry to such levels as are necessary for the creation and maintenance of the highest practicable standard of living; to restore the income of enterprises within the industry to levels which will make possible the payment of such wages and avoid the further depletion and destruction of capital assets; and from time to time to revise the rates of wages in such manner as will currently reflect the equitable adjustment to variations in the cost of living.

ARTICLE II—PARTICIPATION

Participation in this Code, and any subsequent revision of or addition to the Code, shall be extended to any person, partnership, or corporation in the Ecclesiastical and Church Furnishing Industry who accepts his share of the cost and responsibility, as well as the

benefit, of such participation by becoming a member of the National Association of Manufacturers of Ecclesiastical Statuary and Church Furnishings or any affiliated organization. No initiation or entrance fees shall be charged, but there shall be dues levied on the following basis:

Special assessments, amounting to not less than \$25.00 per member, shall be collected from each member if and when needed, upon notice from the duly elected treasurer and consent of half the members. No other fees shall be collected unless decided by majority vote of the members of this industry.

ARTICLE III—POWER AND ADMINISTRATION

The members of the Ecclesiastical Statuary and Church Furnishing Industry shall set up an Executive Committee for the purpose of administering the provisions of the Code, to secure adherence thereto, to hear and adjust complaints, to consider proposals for amendments thereof and exceptions thereto, and otherwise to carry out within the industry the purposes of the National Industrial Recovery Act as set forth in this Code.

ARTICLE IV—LABOR CODE

The Labor Code of the Ecclesiastical Statuary and Church Furnishing Industry shall provide as follows:

(a) Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor or their agents, in the designation of such representatives or in self-organization, or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

(b) No employee in the Ecclesiastical Statuary and Church Furnishing Industry, and no one seeking employment therein, shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing.

(c) Employers of labor in the Ecclesiastical Statuary and Church Furnishing Industry agree to comply (as far as they are able) with the maximum hours of labor, minimum rates of pay, and other conditions of employment approved or prescribed by the President.

(d) Specifically, to the end that a uniform practice of sound business procedure may be maintained, unfair competition eliminated and the purchasing power of labor upheld, we propose individually and collectively to abide by an understanding that in the Ecclesiastical Statuary and Church Furnishing Industry, the minimum scale of wages for industrial employees shall be:

	Per hour
For Unskilled Labor	\$0.35
For Skilled Labor—	
Modellers and Sculptors80
Model Makers60
Casters, Plaster50
" , Cement55
Finishers55
Decorators55

(e) *Maximum Hours.*—Under the terms of the National Industrial Recovery Act, we agree to a maximum 40-hour week for industrial employees, no worker to be employed longer than 8 hours per day, except that during the period of 60 days preceding Easter or Christmas, when seasonal deliveries are demanded and duly trained labor is not available, we shall be free to operate on a 50-hour weekly basis, with a maximum 10-hour daily limit per worker. It is agreed that this paragraph establishes a guaranteed minimum rate of pay regardless of whether the employee is compensated on the basis of a time rate or on a piecework performance.

(f) *Office Employees.* We agree to pay office employees, including all clerical help, a minimum wage of \$15.00 per week, each week to contain a maximum of 40 hours; and shall refuse to employ any person under 16 years of age.

ARTICLE V—COST CODE

It shall be an unfair method of competition for any manufacturer to sell at prices obviously less than cost of production. In event of complaint on this charge, the concern against whom charge is made shall designate three members of the industry to act as judges. The judges will report their findings to the Executive Committee for action.

ARTICLE VI—INDUSTRY REGULATIONS

A. *Trade practices.*—Ratified and adopted by the members of the Ecclesiastical Statuary and Church Furnishing Industry, the following rules in trade practice shall be considered as part of the Code.

1. The basis for the sale of standard items at minimum retail prices shall be the printed price list or catalog in use by individual members on July 1st, 1933. Each member shall use his own catalog to establish the minimum retail list price at which he shall sell the products of his own manufacture. No discounts, rebates, or reductions shall be made from these catalog prices to the retail trade and no special inducements in the form of donations, gifts, or premiums shall be offered to prospective customers as an incentive to obtain their business. The term "retail trade" shall be understood to cover all sales made direct to clergy, religious, and lay persons other than dealers.

It is further agreed that to the wholesale trade the maximum trade discount from above-mentioned printed catalog prices shall not exceed the discounts in effect on July 1, 1933.

2. No contract, either for special or catalog products, in any quantity, shall be taken at prices which compel manufacturers to bargain with employees for production at lower than their regular wages.

3. All prices to the trade, wholesale or retail, shall be quoted f.o.b. factory or point of shipment. Under no circumstances will the manufacturer agree to absorb the freight or express charges.

4. The maximum cash discount to be offered either to wholesale or retail trade for prompt payment of bills shall not exceed 3%. Uniform terms of 3% discount on bills paid by the 10th of the month following date of invoice, or 30 days net shall be observed.

5. On staple items consisting of statuettes there shall be a minimum price, according to size and decoration of article sold, so that the pernicious practice of selling below cost may be eliminated. The agreed upon minimum manufacturers' list prices on decorated statuettes purchased loose in quantities shall be:

	Each
Size 6" or thereabouts.....	\$0.50
Size 8" or thereabouts.....	.80
Size 12" or thereabouts.....	1.25
Size 16" or thereabouts.....	2.00
Size 21" or thereabouts.....	3.00
Size 24" or thereabouts.....	5.00

These prices to be figured as f.o.b. factory subject to trade discounts already established.

B. *Unfair Competition.*—The members of the industry declare themselves unequivocally opposed to unfair trade practices and submit below acts of competition forbidden under this Code.

1. It shall be unfair to solicit orders for work of high quality with intent of substituting similar appearing but in fact inferior quality.

2. No member of the industry shall appeal to the trade with offers to duplicate the work of competitors mentioned by name at their established prices less a substantial discount.

3. No member shall solicit business by approaching prospective purchasers of church furnishings, urging them to obtain designs and quotations from a competitor, that they in turn may work from said designs at previously agreed upon lower prices.

4. It shall be the duty of members to discourage the practice of dealers who, intent upon large profits, force manufacturers into ruinous competition by compelling one to bid against another for yearly supplies, using the argument that increased volume justifies sales at cost.

5. Manufacturers operating under this code will refuse trade discounts to church goods dealers or brokers who offer concessions or reductions from established prices, thus in effect underselling the producer of the goods sold.

C. *Code of Honor.*—1. We agree to maintain a Code of Honor, respecting the rights of competitors who have created products of original design, and will not deliberately copy such work for catalog illustration purposes.

2. The avowed policy of this Code to stop all unfair trade practices shall include unfair advertising, such as copying competitors' catalogs and trade literature with intent of misleading recipient and causing him to believe that identically the same products may be bought at both high and low prices.

ARTICLE VII—MAXIMUM SELLING PRICES

So far as it is practicable we agree not to increase the price of any merchandise sold after the date hereof over the price of July 1, 1933, by more than is made necessary by actual increases in production, replacement, or invoice costs of merchandise since July 1, 1933, or

by taxes or other costs resulting from action taken pursuant to the agricultural adjustment act, and in setting such price increases, to give full weight to probable increase in sales volume and to refrain from taking profiteering advantage of the consuming public.

ARTICLE VIII—CONSTITUTIONAL RIGHTS

We subscribe to the terms and conditions of this Code, individually and collectively, with stipulations submitted below:

(a) It is clearly understood that nothing in this Code shall impair in any particular the Constitutional rights of the employer to protect his business and property from the unlawful activities of others.

(b) It is clearly understood that nothing in this Code shall impair in any particular the Constitutional rights of the employee and employer to bargain individually or collectively as may be mutually satisfactory to them; nor impair the joint right of employee and employer to operate an open shop.

(c) Nothing in this Code is to impair the Constitutional rights of employees to freedom in selection, retention, and advancement of employees.

(d) Nothing in this Code shall authorize any change in the maximum hours of labor, minimum rates of pay, or other conditions of employment specified in this Code, without the agreement of a truly representative association of the trade or industry, or subdivision thereof, to which this Code applies.

Signed by following manufacturers of ecclesiastical statuary and church furnishings:

Daprato Statuary Company, Chicago, Illinois; T. M. O'Connell & Company, Philadelphia, Pa.; St. Paul Statuary Company, St. Paul, Minn.; Kaletta Statuary Company, St. Louis, Mo.; Catholic Statuary Company, Chicago, Illinois; European Statuary & Art Co., Milwaukee, Wis.; American Altar & Statuary Co., Chicago, Ill.; Modern Tuscany Art Company, Philadelphia, Pa.; Bernardini Statuary Company, New York, N.Y.; A. Paladini & Company, New York, N.Y.; Berni Company, Jersey City, N.J.; A. P. Nardini, Boston, Mass.; Joseph Sibbel Studio, New York, N.Y.; Biagiotti & Company, New York, N.Y.; A. Da Prato Company, Boston, Mass.

Dated, August 15, 1933.